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EXAMINER

NGUYEN, PHUOC H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/025,266

Applicant(s)

WANT ET AL.

Examiner

Phuoc H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

RD

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed on July 18, 2005. Previous office action contained claims 1-37. Applicant amended claims 1, 2, 4, 5, 8-13, 15, 24, 28-34, and 36-37. Amendment filed on July 18, 2005 have been entered and made of record. Therefore, pendent claims 1-37 are presented for further consideration and examination.

### ***Response to Arguments***

2. Applicant's arguments filed July 18, 2005 have been fully considered but they are not persuasive.

Applicant's primary argument is that Weiser does not disclose or suggest "the controller including a processor that operates in a standby mode when the device is not being used, and a first and a second active mode, the processor being configured to have greater processing capabilities in the second active mode". Applicant's argued that Weiser neither teaches nor suggests the use of two active modes and standby mode. The examiner does not agree for the following reasons:

The examiner respectfully submits that Weiser's teaches three modes total such as when the device is not in use it maintained in a power down mode to conserve power supply and to bring out of power down mode by triggered the reset control module. The second mode is power up state mode, and the third mode is power down mode with the disable the reset inhibit control signal (col. 7 lines 40-65).

Claims 2-14, 16-23, 25-27, and 29-37 are rejected at least by virtual of their dependency on independent and by other reasons set forth in the previous office action.

According rejections for claims 1-37 are presented as below.

### DETAILED ACTION

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-37 rejected under 35 U.S.C. 102(b) as being anticipated by Weiser et al. (Hereafter, Weiser) U.S. Patent 5,982,520.

5. Regarding claim 1, Weiser discloses a wireless communication module e.g. Figure 2 transceiver 46) to communicate with an access device in a wireless fashion (Figures 1 and 2; and col. 4 lines 54-60), a data storage module to store bulk data (abstract lines 1-2); and a controller

connected to the communication module and to the data storage module, the controller controlling storage of data in the data storage module and retrieval of data from the data storage module in response to requests from a user via the access device, the controller including a processor that operates in a standby mode when the device is not being used, and a first and a second active mode, the processor being configured to have greater processing capabilities in the second active mode (col. 2 lines 41-67; col. 4 lines 60-65).

6. Regarding claims 2 and 25, Weiser further discloses the wireless communication module is a radio frequency (RF) transceiver (col. 2 lines 25-30).

7. Regarding claims 3 and 26, Weiser further discloses the wireless communication module communicates using a standardized communication protocol (col. 2 lines 25-30).

8. Regarding claim 6, Weiser further discloses the controller includes a host control interface (HCI) to interface the controller to the wireless communication module in a serial fashion e.g. interface with pc in Figure 1).

9. Regarding claim 7, Weiser further discloses the HCI is a USB interface (col. 5 lines 15-20).

10. Regarding claims 8 and 32, Weiser further discloses the controller adjusts its processor to operate in one of at least two different modes dependent upon a type of the access device (col. 7 lines 40-65).

11. Regarding claim 9, Weiser further discloses the processor runs application software dependent upon the type of the access device (col. 7 lines 40-65).

12. Regarding claims 10 and 35, Weiser further discloses the wireless communication module operates in a dormant mode when not communicating with the access device, and in an active mode when communicating with the access device (col. 7 lines 40-65).

13. Regarding claims 11 and 37, Weiser further discloses the clock frequency of the processor is adjusted to a first clock speed for the first active mode and a second clock speed in the second active mode (col. 5 lines 5-15; and col. 7 lines 40-65).

14. Regarding claims 12,13,34, and 36, Weiser further discloses the supply voltage to the processor is provided at a first voltage for the first active mode and a second voltage for the second active mode, and a DVM (Dynamic Voltage Management) module for adjusting the processor voltage dependent upon whether the processor is in the standby mode, the first active mode, or the second active mode (col. 5 lines 5-15; and col. 7 lines 40-65).

15. Regarding claims 14, Weiser further discloses a rechargeable power supply for powering its various components, and a display to form a self-contained functional unit when not used in conjunction with the access device (Figure 1).

16. Regarding claim 15, Weiser discloses a plurality of access devices, each access device including at least a. wireless communication interface (Figure 1); and at least one portable memory device which includes a wireless communication module to communicate in a wireless fashion with the wireless communication interface of any one of the access devices when in proximity to the access device (Figures 1 and 2; and col. 4 lines 54-60); a data storage interface connected to a data storage module (abstract lines 1-2); and a controller connected to the communication module and to the data storage interface, the controller controlling storage of data in the data storage module and retrieval of data from the data storage module in response to

requests from a user via any one of the access devices, the controller including a processor that operates in a standby mode when the device is not being used, and a first and a second active mode, the processor being configured to have greater processing capabilities in the second active mode (col. 2 lines 41-67; col. 4 lines 60-65).

17. Regarding claim 16, Weiser further discloses the portable memory device communicates data stored in the data storage module exclusively via the access device (col. 5 lines 5-13).

18. Regarding claim 17, Weiser further discloses the data storage module is releasably connected to the data storage interface to allow a user to store and retrieve data from a connected data storage module via the access device in a wireless fashion (Figure 1; and abstract).

19. Regarding claim 18, Weiser further discloses the data storage module forms an integral part of the portable device, the device including a compact portable housing for housing its various components and modules (col. 4 lines 13-31).

20. Regarding claim 19, Weiser further discloses the portable device includes a power source including an attachment arrangement releasably to attach a power source to a complementary attachment arrangement of the housing (col. 4 lines 60 through col. 5 lines 4).

21. Regarding claim 20, Weiser further discloses the power source is a rechargeable battery source and the portable device includes a charger circuit, for charging the battery without removing it from the housing (col. 1 lines 35-45).

22. Regarding claim 24, Weiser discloses a wireless communication module to communicate with an access device in a wireless fashion (Figures 1 and 2; and col. 4 lines 54-60); a connector to connect to a data storage module which operatively stores bulk data (abstract lines 1-2; and col. 5, lines 15-20); and a controller connected to the communications module and to the

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connector, the controller controlling the storage of data in the data storage module and the retrieval of data from the data storage module in response to requests from a user via the access device the controller including a processor that operates in a standby mode when the device is not being used, and a first and a second active mode, the processor being configured to have greater processing capabilities in the second active mode (col. 2 lines 41-67; col. 4 lines 60-65).

23. Regarding claim 28, Weiser discloses providing a portable memory device which includes a wireless communication module (Figures 1 and 2; and col. 4 lines 54-60); sensing at a memory device when the memory device (Figure 1); establishing wireless communication with the access device through a wireless communications module of the memory device, communicating data between the memory device and the access device through the communication module; and the controller including a processor that operates in a standby mode when the device is not being used, and a first and a second active mode, the processor being configured to have greater processing capabilities in the second active mode (Figures 1 and 2; col. 2 lines 41-67; col. 4 lines 60-65; and col. 5 2<sup>nd</sup> paragraph).

24. Regarding claim 29, Weiser further discloses determining the processing capabilities of the access device and adjusting a level of processing by the processor between the first and the second active modes dependent upon the processing capabilities of the access device (col. 7 lines 40-55).

25. Regarding claim 30, Weiser further discloses includes running application software on the processor when the memory device has a greater processing capability than the access device e.g. standby mode running to reduce power when access device less active; (col. 7 lines 40-55).



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26. Regarding claim 31, Weiser further discloses running application software on the access device when the access device has sufficient processing capabilities, and storing data in and retrieving data from the memory device as required by the application software (Figure 1; and col. 7 lines 40-60).

27. Regarding claim 33, Weiser further discloses includes operating the processor to drive a user display and control buttons of the memory device (Figure 7).

*Claim Rejections - 35 USC § 103*

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claims 4,5, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiser in view of Barnard U.S. Patent 6,456,938.

30. Regarding claims 4 and 5, Weiser discloses a wireless communication module to communicate with an access device in a wireless fashion; however, Weiser fails to teach the communication module communicates using Bluetooth IEEE 802.15 technology, and Bluetooth hardware interacting with a Bluetooth software stack.

Barnard discloses communication module communicates using Bluetooth IEEE 802.15 technology, and Bluetooth hardware interacting with a Bluetooth software stack (Figure 1).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Barnard's teaching into Weiser's method to implement the

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Bluetooth technology to avoid interference from other signals by hopping to a new frequency after transmitting or receiving a packet.

31. Regarding claims 21-23, Weiser discloses a data storage interface connected to a data storage module; however, Weiser fails to teach the data storage module is a semiconductor memory selected from the group including a FLASH memory, DRAM memory and SRAM memory; a magnetic memory device in the form of a disk drive; and an optical storage device. Barnard discloses the data storage module is a semiconductor memory selected from the group including a FLASH memory, DRAM memory and SRAM memory, a magnetic memory device in the form of a disk drive, and an optical storage device (col. 35 lines 22-25).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Barnard's teaching into Weiser's method to use a FLASH memory, DRAM memory and SRAM memory, a magnetic memory device, and an optical storage device as the data storage module to provide flexibilities and portability.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H Nguyen  
Examiner  
Art Unit 2143

September 28, 2005



**DAVID WILEY**  
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